

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 23 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FABIAN VAKSMAN,

Plaintiff - Appellant,

v.

ADAM EISENBERG; et al.,

Defendants - Appellees.

No. 08-35003

D.C. No. CV-07-00236-LRS

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of Washington
Lonny R. Suko, District Judge, Presiding

Submitted July 14, 2008^{**}

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

This is an appeal from the district court's orders dismissing appellant's civil rights complaint without prejudice, denying appellant's motions for

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

reconsideration, and denying appellant's motion to recuse the district judge.

This court previously denied appellant's motion to proceed in forma pauperis, and directed appellant (1) to pay the docketing and filing fees for this appeal; and (2) to show cause why the district court's orders should not be summarily affirmed.

After appellant initially failed to pay the filing and docketing fees, this court dismissed the appeal for failure to prosecute. Appellant has now paid the fees and responded to the court's order to show cause. Accordingly, the court grants appellant's motion to reinstate.

The Clerk is directed to file appellant's opening brief, received March 17, 2008, and appellant's supplemental response, received May 1, 2008.

This court reviews the district court's orders for abuse of discretion. *See Hearn v. San Bernardino Police Dept.*, 2008 WL 2579243, *4 (9th Cir. July 1, 2008) (Rule 41(b) dismissal); *McDonald v. Grace Church Seattle*, 457 F.3d 1079, 1081 (9th Cir. 2006) (reconsideration); *Jorgensen v. Cassidy*, 320 F.3d 906, 911 (9th Cir. 2003) (recusal).

We have reviewed the record, appellant's responses to the order to show cause, and the opening brief, and we find that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*,

693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

All pending motions are denied as moot.

AFFIRMED.